

REMARKS

Information Disclosure Statement

An Information Disclosure Statement to disclose art from a foreign patent search is filed with this Request for Continued Examination.

Abstract, Specification, Drawings

The Examiner's objections to the abstract, specification and drawings raised in the prior Office Action are not repeated, so it is believed that they have been overcome by the amendments made previously.

Claims

Claims 1-5 and 7-57 were pending in this matter on the date of the Office Action. Of these, claims 1 and 48 are amended above. The amendment to claim 48 is to correct a typographical error that is obvious from the surrounding analogous claims 47-53.

35 USC §112 Rejections

The Examiner has not repeated the §112 rejections, so it is believed that they have been overcome.

35 USC §102 Rejections

Moriuchi (US 5,879,381)

Claims 1-5, 7, 8, and 10-53 stand rejected as being anticipated by U.S. Patent 5,879,381 to Moriuchi et al. ("Moriuchi '381").

Rather than repeating the prior positions of the Examiner and the applicant regarding Moriuchi '381, the applicant respectfully notes that the Examiner has indicated that Moriuchi '381 teaches cell-shaped elements in adjacent tubular portions that are aligned parallel to each other, but that Moriuchi '381 lacks any teaching of the cell-shaped elements being aligned coaxially. Accordingly, applicant has amended claim 1 to require "the cell-shaped elements in adjacent tubular portions being aligned coaxially ~~parallel~~ to each other in a longitudinal direction of the stent." This is clearly shown in the drawings, so the introduction of this terminology is not new matter. Accordingly the specification is amended as required by the Examiner.

As amended, claim 1 should now be allowable over Moriuchi '381.

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Response Accompanying Request for Continued Examination of 30 April 2004

Atty Docket No. 117163-17

35 USC §103 Rejections

The Examiner has also rejected claims 9 and 54-57 under 35 U.S.C. § 103(a) as being either unpatentable over the Moriuchi '381 patent in view of U.S. Patent 5,968,093 to Kranz ("Kranz '093"). As claims 9 and 54-57 each depend, either directly or indirectly, from independent claim 1, which is now believed to be allowable as amended, applicant submits that claims 9 and 54-57 are now in condition for allowance.

Accordingly, the applicant respectfully requests reconsideration of the rejections based on the claim amendments made above. After such reconsideration, it is urged that allowance of all claims will be in order.

Respectfully submitted,



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